

FINDING OF NO SIGNIFICANT IMPACT

Lower Tule Irrigation District Tule River Intertie Project

FONSI-09-73

Recommended by:		
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Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that the awarding of an American Recovery and Reinvestment Act of 2009 Water Marketing and Efficiency grant (ARRA grant) and a Reclamation Challenge Grant Program Water Marketing and Efficiency Grant (Challenge grant) to Lower Tule River Irrigation District (LTRID) would not significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact is supported by Reclamation's Draft Environmental Assessment (EA) Number EA-09-73, *Lower Tule Irrigation District Tule River Intertie Project*, and is hereby incorporated by reference.

Background

The American Recovery and Reinvestment Act of 2009 (ARRA) is an economic stimulus package, worth up to \$787 billion, which was signed into law on February 17, 2009 for the purpose of stimulating the United States economy during a significant economic downturn. The Department of the Interior has been tasked with managing \$3 billion in investments as part of ARRA in order to jumpstart the economy, create or save jobs, and address long-neglected challenges. Of the \$3 billion, \$1 billion will be invested in water infrastructure across the United States by the Bureau of Reclamation (Reclamation). Out of the \$1 billion, \$260 million will go to projects in California that will expand water supplies, repair aging water infrastructure, and mitigate the effects of a devastating drought the state is currently experiencing. An additional \$135 million is available for ARRA-funded grants for water reuse and recycling projects (U.S. Department of the Interior 2009). Through Reclamation's Water Marketing and Efficiency Challenge grant program (Challenge grant), Reclamation provides 50/50 cost share funding for projects approved under the grant, some of which are ARRA-funded.

LTRID, located in Tulare County, California, was formed in 1950 in order to provide a reliable and good quality supplemental surface water supply to its landowners who had previously met their water needs solely by groundwater pumping. The surface water supply for the district is drawn from pre-1914 Tule River water rights and contracts with Reclamation for Central Valley Project (CVP) water from the Friant Division.

Success Dam is an earth-filled dam located near Porterville, California that has historically been used by LTRID to store its Tule River water in Success Reservoir. In 1999, The U.S. Army Corps of Engineers (Corps) conducted a seismic study on alluvium deposits downstream of the dam and found them to be seismically unstable. Further research conducted by the Corps found Success Dam to be seismically unstable. Consequently, in 2006, the maximum storable volume behind the dam was reduced to 35 percent of full pool storage. This reduction has significantly diminished the amount of storage available for LTRID's Tule River surface water supplies.

At present, LTRID infrastructure enables Tule River water to be delivered to two thirds of the district from their points of diversion at Wood Central Ditch and #4 Canal. The remaining third,

south of the Wood Central Ditch, receives CVP water from the Friant-Kern Canal but can not receive Tule River water. Up until now, due to a series of dry years, the lack of storage at Success Dam has not affected LTRID's use of Tule River water within the district. However, in the event of a wet year, LTRID would not be able to store or use their Tule River water beyond what could be currently delivered to two-thirds of the district.

In 2009, LTRID applied to Reclamation for an ARRA-funded Challenge grant and a non-ARRA-funded Challenge grant for the district's proposed Tule River Intertie Project.

Reclamation's finding that implementation of the proposed action will result in no significant impact to the quality of the human environment is supported by the following factors:

FINDINGS

Water Resources

Under the Proposed Action, LTRID will have the infrastructure to deliver Tule River water to the southeastern third of the district which currently cannot receive it. This will enable LTRID to continue to beneficially use their Tule River water rights within their district. The additional source of surface water will also reduce the southeastern area's dependence on groundwater supplies for meeting irrigation demands, thereby, potentially reducing the amount of groundwater needed by landowners within this area. The Proposed Action will use an existing point of diversion at the Wood Central Ditch. The existing Tule River water rights will not be modified in any way through the Proposed Action and the amount of water available to the district will not be modified. Therefore, there will be no significant impacts to water resources as a result of the Proposed Action.

Biological Resources

Proposed Action effects will include temporary and permanent effects to the landscape that may affect San Joaquin kit fox. Temporary disturbance to lands will occur during the period of construction, including additional vehicular traffic, construction noise, and worker activity. Additionally, as a consequence of the Proposed Action, approximately 31 acres of potential San Joaquin kit fox habitat will be permanently altered, primarily converting agricultural habitat into canal habitat. A variety of agricultural habitats will be affected, but alfalfa and tree crops will be most affected. Coincident with the construction of the Intertie Canal, periodic maintenance will be required on the Intertie Canal, which will be the responsibility of LTRID as the owner/operator of the canal.

Under the Proposed Action, the Intertie Canal will be constructed primarily within an existing access road rights-of-way. This is a mostly disturbed area and is unlikely to be used by the San Joaquin kit fox for potential foraging, denning, and movement corridors. With implementation of pre-construction surveys and avoidance and minimization measures, as described in EA-09-73, the effect of the Proposed Action on the kit fox is expected to be minimal. On November 13, 2009, Reclamation requested concurrence from the U.S. Fish and Wildlife Service (Service) that the effect is not likely to adversely affect this species. Response from the Service is pending.

The modification of culverts and bridges could affect migratory birds such as swallows, and land disturbance could affect burrowing owls. However, with implementation of avoidance and minimization measures described in the EA, no take of migratory birds is anticipated and effects to other biological resources would be minor.

Cultural Resources

The Proposed Action will result in the issuance of Federal appropriations through an ARRA and Challenge grant. These funds will be used to implement actions on the ground that have the potential to effect historic properties. Reclamation entered into consultation with the California State Historic Preservation Officer (SHPO) on October 29, 2009 seeking their concurrence on a finding of no adverse effect to historic properties pursuant to the regulations at 36 CFR Part 800.5(b). In addition, Reclamation has consulted with Tule River Reservation Indian Tribe requesting any information regarding sites of religious or cultural significance or information on historic properties. Reclamation has received no response to its request from the Tule River Reservation. SHPO concurred with Reclamation's finding of effect on November 10, 2009. Therefore, the Proposed Action will have no significant impacts to cultural resources.

Indian Trust Assets

Under the Proposed Action, Reclamation will award LTRID an ARRA and Challenge grant for their Tule River Intertie Project which consists of modifications to the Wood Central Ditch and construction of a new Intertie Canal from the Wood Central Ditch to the Casa Blanca Canal. There are no tribes possessing legal property interests held in trust by the United States in the land involved with this action. The nearest Indian Trust Asset is 16.6 miles east of the Proposed Action area; therefore, there will be no significant affect to Indian Trust Assets.

Land Use

The Proposed Action is consistent with the County of Tulare General Plan and Zoning Ordinance and will therefore not require a change to the existing land use or zoning designations. Modifications to the Wood Central Ditch will not change existing land uses. The construction of the Intertie Canal will require a 95-foot wide right-of-way within a portion of existing access road and a portion of existing agricultural fields. The portion of agricultural fields used for the Intertie Canal will be permanently removed from active production. This change in use from active agricultural to supportive agricultural is considered compatible with lands classified as Prime Farmland, Farmland of Statewide Importance, and lands under a Williamson Act Contract and will not change its land use designation. The Proposed Action will provide additional sources of surface water for irrigation within the southeastern portion of LTRID ensuring continued agricultural land use. Consequently, the Proposed Action will maintain current land uses and will have no significant impacts to land use.

Socioeconomic Resources

The Proposed Action will reduce water costs to landowners as the Tule River water would cost less than CVP water or pumped groundwater. Construction activities will also have a slight beneficial impact as additional, but temporary, jobs are created. Consequently, the availability of a cheaper, reliable surface water resource will have slight beneficial impacts to socioeconomic resources. Therefore, there will be no significant impacts to socioeconomic resources.

Environmental Justice

The Proposed Action includes the construction of a new Intertie Canal and modifications to Wood Central Ditch in order to deliver Tule River water to an area that currently does not receive it. This water will be available at a cheaper rate than CVP water or pumped groundwater as previously discussed. The Proposed Action will not cause dislocation, changes in employment, or increase flood, drought, or disease nor will it disproportionately impact economically disadvantaged or minority populations. There may be a slight beneficial impact to Environmental Justice as a result of the Proposed Action due to the additional infrastructure for irrigation within the southeastern portion of LTRID. Therefore, the Proposed Action will have no significant impacts to Environmental Justice.

Air Quality

Operation of LTRID's water distribution system will not contribute to criteria pollutant emissions, as water distribution is largely a passive process. However, emissions will be associated with the modifications to Wood Central Ditch and the construction of the Tule River Intertie. Air quality emissions for construction activities associated with the delayed project were calculated with the Sacramento Air Quality Management District's *Road Construction Model Version 6.3-2*. Calculated emissions are well below the de minimus thresholds for the San Joaquin Valley Air Pollution Control District; therefore, there will be no significant air quality impacts associated with the Proposed Action and a conformity analysis is not required.

Global Climate Change

The impact that Greenhouse gases (GHG) emissions have on global climate change is not dependent on whether they were generated by stationary, mobile, or area sources, or whether they were generated in one region or another. Implementation of the Proposed Action will be expected to result in a slight temporary net increase in GHG emissions associated with short-term construction activities. Although operation of LTRID canals are done via gravity and will not result in GHG emissions, there could be a slight net increase of GHG emissions associated with increased maintenance activities of the new Intertie Canal. While any increase in GHG emissions will add to the global inventory of gases that will contribute to global climate change, the Proposed Action will result in only a very slight increase in GHG emissions from temporary or existing sources. Therefore, there will be no significant impacts to global climate change.

Cumulative Impacts

The Proposed Action will create the infrastructure to deliver Tule River water to an area within LTRID that cannot receive it at this time. The use of this water will be to maintain and grow crops on existing agricultural lands. The Proposed Action will maintain existing land uses and will not contribute to cumulative changes or impacts to land uses or planning.

LTRID already receives CVP Friant water from the Friant-Kern Canal and private owners' pump groundwater for irrigation. The addition of Tule River water would increase the amount of surface water available for irrigation thereby decreasing the amount of groundwater needed to meet irrigation demands. This will potentially help reduce additional overdraft and the chance of subsidence within the district. It will also increase the amount of surface water available for

groundwater recharge due to irrigation. This could provide slight beneficial cumulative impacts to groundwater levels.

The Proposed Action was found to have no impact on biological resources, cultural resources, Indian Trust Assets, and air quality and therefore there is no contribution to cumulative impacts on these resources areas. Slight beneficial impacts to land use, socioeconomics, and environmental justice are within historical variations and would not contribute to cumulative impacts. Overall there will be no significant cumulative impacts caused by the Proposed Action.